



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,795	05/24/2001	Billy G. Moon	062891.0566	2877

5073 7590 05/31/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/864,795		MOON, BILLY G.	
	Examiner		Art Unit	
	LaShonda T. Jacobs		2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 13-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Election to the Restriction Requirement filed on March 20, 2006. Applicant has elected Group I, claims 1-12, 30-36 and 37-39. Claims 1-12, 30-39 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-12** and **30-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moir (U.S. Pub. No. 2002/0118644) in view of Harvey (U.S. Pat. No. 5,867,666).

As per claims **1, 30** and **37**, Moir discloses a method, logic encoded in media and an apparatus for providing a general purpose computing platform at a router on a network, comprising:

- configuring a virtual machine on a router with a plurality of parameters (paragraphs 0028 and 0034); and
- receiving logic from a remote site at the virtual machine (paragraph 0054-0055).

However, Moir does not explicitly disclose:

- verifying that the virtual machine may host the logic based on the parameters created during configuration.

Art Unit: 2157

Harvey discloses a method for providing a virtual interface between a router and a network comprising:

- verifying that the virtual machine may host the logic based on the parameters created during configuration (col. 5, lines 11-25, col. 7, lines 28-40 and col. 9, lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moir by including a router on the virtual machine to create software instantiations to accept parameters according to the router specifications in order to provide a system and method in which a software controller for the network interface can operate independently thereby improving connectivity to networks.

As per claim 2, Moir discloses wherein configuring the virtual machine on the router with the parameters comprises:

- allocating a processing resource operable to execute the logic on the virtual machine (paragraph 0118).

As per claim 3, Moir discloses wherein configuring the virtual machine on the router with the parameters comprises:

- allocating a processing resource operable to execute the logic on the virtual machine (paragraph 0118); and
- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises determining whether the processing resource is available to execute the logic.

However, Moir does not explicitly disclose:

Art Unit: 2157

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises determining whether the processing resource is available to execute the logic.

Harvey discloses a method for providing a virtual interface between a router and a network comprising:

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises determining whether the processing resource is available to execute the logic (col. 5, lines 11-25, col. 7, lines 28-40 and col. 9, lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moir by including a router on the virtual machine to create software instantiations to accept parameters according to the router specifications in order to provide a system and method in which a software controller for the network interface can operate independently thereby improving connectivity to networks.

As per claim 4, Moir discloses wherein configuring the virtual machine on the router with the parameters comprises:

- assigning a plurality of authorized credentials to the virtual machine (paragraphs 0036 and 0126).

As per claim 5, Moir discloses wherein:

- configuring the virtual machine on the router with the parameters comprises assigning a plurality of authorized credentials to the virtual machine (paragraphs 0028, 0034 and 0126); and

- receiving the logic from the remote site at the virtual machine comprises determining an address associated with the remote site (paragraphs 0054-0055 and 0037).

However, Moir does not explicitly disclose:

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises: retrieving logic credentials for the logic from the remote site using the determined address; and comparing the authorized credentials with the logic credentials.

Harvey discloses a method for providing a virtual interface between a router and a network comprising:

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises: retrieving logic credentials for the logic from the remote site using the determined address; and comparing the authorized credentials with the logic credentials (col. 5, lines 11-25, col. 7, lines 28-40 and col. 9, lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moir by including a router on the virtual machine to create software instantiations to accept parameters according to the router specifications in order to provide a system and method in which a software controller for the network interface can operate independently thereby improving connectivity to networks.

As per claim 6, Moir discloses wherein configuring the virtual machine on the router with the parameters comprises:

- provisioning a first lifecycle a policy for the virtual machine (paragraphs 0032 and 0034).

As per claim 7, discloses wherein:

- configuring the virtual machine on the router with the parameters comprises provisioning a first lifecycle policy for the virtual machine (paragraphs 0032 0034 and 0054-0055);
- receiving the logic from the remote site at the virtual machine comprises determining an address associated with the remote site (paragraphs 0054-0055 and 0037); and

However, Moir does not explicitly disclose:

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises: retrieving a second lifecycle policy for the logic from the remote site using the determined address; and altering the first lifecycle policy if the second lifecycle policy includes different constraints than the first lifecycle policy.

Harvey discloses a method for providing a virtual interface between a router and a network comprising:

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises: retrieving a second lifecycle policy for the logic from the remote site using the determined address; and altering the first lifecycle policy if the second lifecycle policy includes different constraints than the first lifecycle policy (col. 5, lines 11-25, col. 7, lines 28-40 and col. 9, lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moir by including a router on the virtual machine to create

Art Unit: 2157

software instantiations to accept parameters according to the router specifications in order to provide a system and method in which a software controller for the network interface can operate independently thereby improving connectivity to networks.

As per claim 8, Moir discloses wherein receiving the logic from the remote site at the virtual machine comprises:

- determining an address associated with the remote site (paragraphs 0032 and 0034); and
- retrieving a manifest for the logic from the remote site using the determined address, the manifest including a configurable object needed to execute the logic on the virtual machine (paragraphs 0054-0055 and 0037).

As per claim 9, Moir discloses wherein:

- configuring the virtual machine on the router with the parameters comprises provisioning a first lifecycle policy for the virtual machine (paragraphs 0032 and 0034);
- receiving the logic from the remote site at the virtual machine comprises:
 - i. determining an address associated with the remote site (paragraphs 0032 and 0034); and
 - ii. retrieving a manifest for the logic from the remote site using the determined address, the manifest including a configurable object needed to execute the logic on the virtual machine (paragraphs 0054-0055 and 0037); and

However, Moir does not explicitly disclose:

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises: retrieving a second lifecycle policy for the

logic from the remote site using the determined address; and updating the logic if the second lifecycle policy includes a new version of the configurable object.

Harvey discloses a method for providing a virtual interface between a router and a network comprising:

- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises: retrieving a second lifecycle policy for the logic from the remote site using the determined address; and updating the logic if the second lifecycle policy includes a new version of the configurable object (col. 5, lines 11-25, col. 7, lines 28-40 and col. 9, lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moir by including a router on the virtual machine to create software instantiations to accept parameters according to the router specifications in order to provide a system and method in which a software controller for the network interface can operate independently thereby improving connectivity to networks.

As per claim **10**, Moir discloses:

- wherein the virtual machine comprises a virtual interface including an address (paragraph 0036).

As per claim **11**, Moir discloses:

- wherein the virtual machine comprises a virtual service including a plurality of addresses (paragraph 0036).

As per claim **12**, Moir further discloses:

- loading default configuration parameters for the router (paragraphs 0054-0055); and

Art Unit: 2157

- receiving a provisioning message to configure the virtual machine on the router (paragraphs 0032 and 0034).

As per claims **31** and **39**, Moir further discloses:

- allocating a processing resource operable to execute the logic on the virtual machine (paragraph 0118); and
- determining whether the processing resource is available to execute the logic (paragraph 0118).

As per claims **32** and **38**, Moir further discloses:

- assigning a plurality of authorized credentials to the virtual machine (paragraph 0039);
- determining an address associated with the remote site (paragraphs 0032 and 0034);
- retrieving logic credentials for the logic from the remote site based on the determined address (paragraphs 0039 and 0054-0055); and
- comparing the authorized credentials with the logic credentials (paragraphs 0038-0039).

As per claim **33**, Moir further discloses:

- provisioning a first lifecycle policy for the virtual machine (paragraphs 0032 and 0034);
- determining an address associated with the remote site (paragraphs 0032-0034);
- retrieving a second lifecycle policy for the logic from the remote site based on the determine address (paragraphs 0032 and 0034); and
- updating a version of the logic on the virtual machine based the second lifecycle policy (paragraphs 0057).

As per claim **34**, Moir further discloses:

- provisioning a first lifecycle policy for the virtual machine (paragraphs 0032 and 0034);

Art Unit: 2157

- determining an address associated with the remote site (paragraphs 0032 and 0034);
- retrieving a second lifecycle policy for the logic from the remote site based on the determined address (paragraphs 0032 and 0034); and
- executing the logic based on usage criteria included in the second lifecycle policy (paragraphs 0032 and 0034).

As per claim **35**, Moir further discloses:

- provisioning a first lifecycle policy for the virtual machine (paragraphs 0032 and 0034);
- determining an address associated with the remote site (paragraphs 0032 and 0034);
- retrieving a second lifecycle policy for the logic from the remote site based on the determined address (paragraphs 0032 and 0034); and
- determining if the logic on the virtual machine is accessible by a remote service based on the second lifecycle policy (paragraphs 0032 and 0034).

As per claim **36**, Moir further discloses:

- provisioning a first lifecycle policy for the virtual machine (paragraphs 0032 and 0034);
- determining an address associated with the remote site (paragraphs 0032 and 0034);
- retrieving a second lifecycle policy for the logic from the remote site based on the determined address (paragraphs 0032 and 0034);
- receiving a manifest for the logic from the remote logic; and
- updating the logic if the second lifecycle policy includes a new version of a configurable object (paragraphs 0057).

Response to Arguments

2. Applicant's arguments with respect to claims 1-12 and 30-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.


The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
May 17, 2006


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100